

Ordinance No. 17326-12-2006

AN ORDINANCE INCREASING ESTIMATED RECEIPTS AND APPROPRIATIONS IN THE GRANTS FUND IN THE AMOUNT OF \$856,080, FROM AVAILABLE FUNDS, FOR THE PURPOSE OF EXECUTING A LOCAL PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE HEMPHILL WEST QUIET ZONE PROJECT; PROVIDING FOR A SEVERABILITY CLAUSE; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That in addition to those amounts allocated to the various City departments for Fiscal Year 2006-2007 and in the Budget of the City Manager, there shall also be increased estimated receipts and appropriations in the Grants Fund in the amount of \$856,080, from available funds, for the purpose of executing a Local Project Advance Funding Agreement for the Hemphill West Quiet Zone Project.

SECTION 2.

That should any portion, section or part of a section of this ordinance be declared invalid, inoperative or void for any reason by a court of competent jurisdiction, such decision, opinion or judgment shall in no way impair the remaining portions, sections, or parts of sections of this ordinance, which said remaining provisions shall be and remain in full force and effect.

SECTION 3.

That this ordinance shall be cumulative of Ordinance No. 17142 and all other ordinances and appropriations amending the same except in those instances where the provisions of this ordinance are in direct conflict with such other ordinances and appropriations, in which instance said conflicting provisions of said prior ordinances and appropriations are hereby expressly repealed.

SECTION 4.

This ordinance shall take effect upon adoption.

APPROVED AS TO FORM AND LEGALITY:


Assistant City Attorney

ADOPTED AND EFFECTIVE: December 19, 2006

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 12/19/2006 - Ordinance No. 17326-12-2006

DATE: Tuesday, December 19, 2006

LOG NAME: 20HEMPHILL WEST

REFERENCE NO.: G-15544

SUBJECT:

Authorize Execution of a Local Project Advance Funding Agreement with the Texas Department of Transportation and a Railroad Crossing Closure Agreement with TxDOT and BNSF Railroad for the Hemphill West Quiet Zone Project and Adopt Appropriation Ordinance

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize the City Manager to execute a Local Project Advance Funding Agreement (LPAFA) for the Hemphill West Quiet Zone Project with the Texas Department of Transportation (TxDOT) in the amount of \$856,080;
2. Authorize the City Manager to accept \$684,864 in federal funds from the North Central Texas Council of Governments (NCTCOG) Railroad Crossing Reliability Partnership Program for this project;
3. Authorize the transfer of \$150,000 from the Street Light and Signal Improvements Fund to the Grant Fund for the City's match;
4. Authorize the transfer of \$13,716 from the Street Light and Signal Improvements Fund to the Grant Fund for the City's match;
5. Authorize the City Manager, to enter into a Highway-Railroad Grade Crossing Consolidation and Closure Agreement with TxDOT and the BNSF Railway in which TxDOT would reimburse the City up to \$7,500 to be used towards the local match to the Grant Fund;
6. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Grant Fund by \$856,080; and
7. Authorize payment in the amount of \$7,216 to TxDOT representing the initial installment of the City's participation according to the LAPAFA.

DISCUSSION:

The total local match for this agreement is \$171,216 which will come from a portion of a donation from the City of Duncanville in the amount of \$13,716 and a reimbursement from TxDOT in the amount of \$150,000 which was received for the closure of Jennings Avenue and a reimbursement from TxDOT for this project in the amount of \$7,500.

In 2003 the Regional Transportation Council set aside federal funds to improve the safety of railroad crossings in the Fort Worth-Dallas area. In a call-for-projects under the North Central Texas Council of Government's (NCTCOG) Railroad Crossing Reliability Partnership Program, the Transportation and Public Works department (TPW) submitted thirteen railroad safety and quiet zone project proposals (M&C G-

14128). As a result, the City of Fort Worth was awarded four of the projects, capturing 61 percent of the program's total available funds.

The Hemphill West Quiet Zone project is to upgrade five railroad crossings to improve crossing safety and to deploy a quiet zone at the group of crossings noted below.

1. BNSF & Jennings Avenue
2. BNSF & Page Street
3. BNSF & Hemphill Street
4. BNSF & Capps Street
5. BNSF & Lipscomb Street

A quiet zone is a group of crossings that employ specific railroad crossing safety devices that, once in place, prohibits the locomotive horn use. A quiet zone will improve the safety and environmental qualities of a neighborhood.

Considerations for improvements will include upgrades to railroad crossing gate systems, the installation of quiet zone devices, and street and sidewalk improvements near each crossing.

This project includes the closure of Jennings Avenue which was approved on March 28, 2006 on M&C C-21366 which also authorized the acceptance of a reimbursement of \$150,000 from TxDOT and a donation of \$50,000 from the City of Duncanville. The TxDOT reimbursement and \$13,716 of the \$50,000 from the City of Duncanville will be used as part of the city's local match for this grant project.

For this project and the other three city projects awarded in the NCTCOG railroad program, TPW intends to engage a consultant to assist with project management, conduct public meetings, coordinate design and construction with the railroad companies, prepare railroad and roadway design, prepare project documentation, and conduct construction oversight. TPW staff will manage the project and construct certain improvements. TPW will also initiate construction contracts for railroad and roadway projects.

This project is located in COUNCIL DISTRICT 9.

FISCAL INFORMATION/CERTIFICATION:

The Finance Director certifies that upon approval of above recommendations and adoption of the attached appropriation ordinance, funds will be available in the current capital budget, as appropriated, of the Street Light and Signal Improvements Fund and the Grant Fund.

| <u>TO Fund/Account/Centers</u> | | <u>FROM Fund/Account/Centers</u> | |
|---------------------------------------|--------------|---|--------------|
| 2) GR76 451942 020302158000 | \$656,000.00 | 3) C201 538070 209750026080 | \$150,000.00 |
| 3) GR76 472201 020302158000 | \$150,000.00 | 4) C201 538070 209750026010 | \$13,716.00 |
| 4) GR76 472201 020302158000 | \$13,716.00 | 7) GR76 541200 020302158010 | \$7,216.00 |
| 5) GR76 451942 020302158000 | \$7,500.00 | | |
| 6) GR76 5 VARIOUS 020302158010 | \$856,080.00 | | |
| 2)GR76 451962 020302158000 | \$28,864.00 | | |

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| <u>Submitted for City Manager's Office by:</u> | Marc Ott (6122) |
| <u>Originating Department Head:</u> | Robert Goode (7801) |
| <u>Additional Information Contact:</u> | Russell Wiles (7978) |
